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595 SHREWSBURY AVENUE  
SUITE 100  
SHREWSBURY NJ 07702

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**AUG 21 2008**

In re Application of :  
Wu, Yuan-Ting :  
Application No. 10/649,878 : **ON PETITION**  
Filed: August 28, 2003 :  
Attorney Docket No. IPT/0008 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 28, 2008, to revive the above-identified application.

The petition is **GRANTED**.


The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1050.00 extension of time fee submitted with the petition on July 28, 2008 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 2627 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions